THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.11324 OF 2006

Date: 12-06-2006

Between:

Nadendla Chinna Rangaiah and others …Petitioners

And

The District Collector and District

Election Officer, Prakasam District

And others …Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.11324 OF 2006

O R D E R:

The petitioners are residents of Kurravanipalem Village, Korisapadu Mandal. They

are aggrieved that their representation dated 22-05-2006 for inclusion of their names in the voters' list of the village for the ensuing Panchayat Raj elections, has not been considered by the respondents. They seek a direction to the respondents to include their names in the voters' list of the village.

Petitioners claim that they are the permanent residents of Kurravanipalem Village and they have been exercising their franchise in all the elections from the village. While so, in the voters' list published on 13-02-2006 for the ensuing Gram Panchayat elections, the petitioners' names were not found in the list and therefore, the petitioners submitted a representation to the first respondent-the District Collector. The petitioners' grievance is that the representation has not been disposed of by the first respondent.

Rule 6 of the Andhra Pradesh Panchayat Raj (Preparation and Publication of Electoral Rolls) Rules, 2000 (for short "the Rules") ordains the procedure for lodging claims and objections on the publication of the electoral roll. Accordingly, any person wishing to prefer a claim for inclusion or deletion of any name in the roll or any objection in respect of any entry in the roll so published, shall submit a proper claim or objection under the provisions of the Registration of Electors Rules, 1960 made under the Representation of the People Act, 1950 (Central Act 43 of 1950), to the Electoral Registration Officer of the concerned Legislative Assembly Constituency. Subject to the provisions of Section 11 of the Act, and based on the orders of the Electoral Registration Officer of the Assembly Constituency on such claims and objections, the District Panchayat Officer shall carry out consequential amendments in the Gram Panchayat electoral roll. Rule 6 further provides that in case of any clerical or printing error or both, or when the entries deviate from the particulars of the Assembly electoral roll, the District Panchayat Officer may cause such errors to be rectified, so as to bring it inconformity with the particulars of the Assembly electoral roll concerned.

Learned counsel for the petitioners does not demur from the contention of the learned Government Pleader for Panchayat Raj that the Electoral Registration Officer i.e., the competent authority for entertaining claims or objections as to

inclusion or exclusion of names from the electoral roll is the Revenue Divisional Officer concerned, in this case, the second respondent.

The petitioners, however, erroneously submitted a representation to the first respondent. The first respondent's jurisdiction arises only when an order is passed on the objections by the second respondent, adverse to the claims of the objectors and the objectors seek to prefer an appeal against such an order. As the petitioners merely seek inclusion of their names in the electoral roll, it is the second respondent, which is the competent authority. The petitioners' representation submitted to the first respondent is, therefore, incompetent. Realizing this predicament, the learned counsel for the petitioners, submits that the first respondent may be directed to redirect the representation submitted by the petitioners on 22-05-2006 to the second respondent, who may consider the same as a claim lodged under Rule 6 of the Rules and dispose of the same, in accordance with law.

In the facts and circumstances of the case, the writ petition is disposed of, at the stage of admission, after hearing learned Government Pleader for Panchayat Raj, directing the first respondent to forward/redirect the representation made by the petitioners to the second respondent forthwith. The second respondent shall consider and dispose of the claims of the petitioners for inclusion of their names in the electoral roll of Kurravanipalem Village, expeditiously, and in any event, within a day from the date the representation of the petitioners is forwarded to the said respondent from the office of the first respondent. Nothing in this order, shall be construed as entitling the petitioners to inclusion of their names in the electoral roll, unless an appropriate order in this behalf is passed by the second respondent and such order is capable of ensuring the inclusion of petitioners' names in the electoral roll, in accordance with law. No costs.

_____

(Goda Raghuram, J)

Dated 12th June, 2006

vrn